

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MICHAEL M. FORD,)	
)	
Plaintiff,)	Civil Action No. 7:16-cv-00370
)	
v.)	
)	
GREGORY T. GILLENWATER, <i>et. al.</i> ,)	By: Elizabeth K. Dillon
)	United States District Judge
Defendants.)	

ORDER AND FINAL JUDGMENT

In this case brought by plaintiff Michael M. Ford, a Virginia inmate appearing *pro se*, there is a single remaining claim against a single defendant. Specifically, Ford alleges that defendant Leslie Fleming placed him in segregation in retaliation for Ford's grievances and letters about gang problems at Wallens Ridge State Prison. The matter was referred to U.S. Magistrate Judge Joel R. Hoppe, pursuant to 28 U.S.C. § 636(b)(1)(B), to conduct a bench trial and provide a report and recommendation (R&R).

On January 10, 2020, the magistrate judge issued his R&R, recommending that the court find that Ford has not proven by a preponderance of the evidence all the elements of his First Amendment retaliation claim, rule in favor of defendant Fleming, and dismiss this action with prejudice. (R&R 16, Dkt. No. 132.) The magistrate judge also advised the parties of their right under 28 U.S.C. § 636(b)(1)(C) to file written objections to his proposed findings and recommendations within 14 days of service of the R&R. (*Id.* at 17.)

The deadline to object to the R&R has passed, and no party has filed an objection. "[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.”” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Upon reviewing the record here, the court is satisfied that there is no clear error.

Accordingly, it is hereby ORDERED as follows:

1. The R&R (Dkt. No. 132) is ADOPTED;
2. Judgment is ENTERED in favor of defendant Leslie Fleming;
3. This action is DISMISSED WITH PREJUDICE; and
4. The Clerk is directed to strike it from the active docket of the court.

The clerk is further directed to send a copy of this order to the parties.

Entered: February 6, 2020.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge